

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 08-20058

Plaintiff,

Paul V. Gadola

District Judge

vs.

ROBERT PAUL BINKLEY,

Michael Hluchaniuk

Magistrate Judge

Defendant.

**ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION
TO DETERMINE DEFENDANT'S COMPETENCY TO STAND TRIAL**

On January 30, 2008, defendant Robert Paul Binkley was indicted and charged with being in possession of firearms after being convicted of a felony offense. Defendant first appeared in court on February 8, 2008 and at that time was released on an unsecured bond. Defendant had a history of medical problems and substance abuse, which were issues associated with his release on bond.

Since that time information came to the attention of the court that defendant had threatened a potential government witness and a hearing was held as to that issue on February 29, 2008. During the hearing evidence was presented that was sufficient to establish that the defendant had threatened a witness and defendant's

bond was revoked as a result.

Based on the information provided by the Pretrial Services Agency as well as the facts from the bond revocation hearing and defendant's demeanor in the courtroom, the undersigned is concerned about defendant's competency to stand trial. While neither the government nor defense counsel have requested that a competency exam be conducted, the undersigned is of the view that there is reasonable cause to believe that defendant may presently be suffering from a mental disease or defect that has rendered him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense.

Accordingly, **IT IS ORDERED**, pursuant to 18 U.S.C. § 4241(b), that the Pretrial Services Agency shall arrange for a psychiatric or psychological examination of defendant to be conducted under the provisions of 18 U.S.C. § 4247(b) and (c) for the purpose of determining defendant's competency to stand trial and for the results of such an examination to be furnished to the court and to the parties prior to the next scheduled hearing in this matter.

IT IS FURTHER ORDERED that the time period associated with this determination, from the filing date of this order up to and including the date on which a final determination is made regarding defendant's competency to stand trial, shall be excluded under the Speedy Trial Act pursuant to the terms of 18 U.S.C. § 3161(h)(1)(A).

Date: March 7, 2008

s/Michael Hluchaniuk
Michael Hluchaniuk
Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Robert Haviland, AUSA and David Koelzer, Attorney at Law, and I hereby certify that I have mailed by United States Postal Service/hand-delivered the paper to the following non-ECF participants: Pretrial Services Agency.

s/James P. Peltier
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